

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TEAIRRA CHISM,)	
)	
Plaintiff,)	8:05CV124
)	
v.)	
)	
SEPTEMBERFEST, SEPTEMBERFEST)	MEMORANDUM AND ORDER
OMAHA, CITY OF OMAHA, OMAHA)	
POLICE DEPARTMENT, STATE OF)	
NEBRASKA, NEBRASKA STATE)	
PATROL, ALAN EBERLE, GORDON)	
ANVILLE, THOMAS WARREN, PAUL)	
KRATZ, RUSSELL LEWIS, HAROLD)	
SCOTT, DANA THROENER, TOM)	
NESBITT, OMAHA POLICE CHIEF,)	
and JOHN DOES 1-10,)	
)	
Defendants.)	
)	

Before the court is the plaintiff's motion to remand this case to the state district court whence it was removed. The motion, however, is not supported by a brief or any evidence. NECivR 7.1 states:

Motion Practice. All motions, applications, requests and petitions of a miscellaneous nature shall be filed and considered in accordance with this rule. Except as otherwise stated in this rule, a party who fails to observe the requirements of this rule may be deemed to have abandoned in whole or in part that party's position on the pending motion.

(a) * * *

(1) Supporting Brief.

(A) Substantial Issue of Law. A motion raising a substantial issue of law must be supported by a paginated brief filed and served contemporaneously with the motion.

* * *

The motion is not self explanatory, and raises substantial issues of law. For that reason, the failure to support the motion by brief leaves the court with no basis upon which to grant the motion. I shall therefore deem the motion to remand abandoned.

Alternatively, the brief in opposition to the motion, filed by the City of Omaha and related defendants, amply demonstrates this court's jurisdiction and the lack of merit to the grounds stated in the motion to remand.

IT THEREFORE HEREBY IS ORDERED,

The motion to remand, filing 11, is deemed abandoned and is denied.

DATED this 16th day of May, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge